

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

UNITED STATES OF AMERICA <i>ex rel.</i> ,	:	
JOHN N. KRAMER, D.D.S.	:	Judge Susan J. Dlott
	:	
Plaintiffs,	:	Case No. 1:18-cv-373
	:	
v.	:	
	:	
ROBERT A. DOYLE Jr., D.M.D. <i>et al.</i> ,	:	
	:	
Defendants	:	
	:	

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**THE GOVERNMENT’S RESPONSE IN OPPOSITION  
TO NASG’S MOTION TO DISMISS BASED UPON PUBLIC DISCLOSURE**

Comes Now, the United States of America, by counsel, and states that pursuant to the False Claims Act, 31 U.S.C. § 3730(e)(4)(A), the government is opposed to Defendant North American Dental Group’s (NADG) Motion to Dismiss pursuant to the False Claims Act’s public disclosure bar. (Doc. 49, at PAGEID ## 589-91.)

Under the False Claims Act, the Government is afforded an automatic veto of a motion to dismiss on public disclosure grounds. 31 U.S.C. § 3730(e)(4)(A). It is not necessary for the Government to explain its reasons for exercising its veto; rather, the Government may simply state its opposition. *United States ex rel. Berntsen v. Prime Healthcare Servs.*, No. 11-CV-8214 PJW, 2014 U.S. Dist. LEXIS 188722, at \*5-9 (C.D. Cal. Nov. 20, 2014); *see also United States ex rel. Conroy v. Select Med. Corp.*,

211 F. Supp. 3d 1132, 1152 (S.D. Ind. 2016); *United States of America ex rel Baker v. Community Health Sys., Inc.*, et al., No. 5-279 WJ/ACT, 2014 U.S. Dist. LEXIS 188778 (D. N.M. May 14, 2014).

Respectfully, the United States is opposed to NASG's Motion to Dismiss based upon the False Claims Act's public disclosure bar. (Doc. 49, at PAGEID ## 589-91)

Respectfully submitted,

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#### **CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing The Government's Notice of Opposition to NASG's Motion to Dismiss Based Upon Public Disclosure was served upon all parties of record by CM/ECF Notice of Electronic Filing, this 23rd day of January, 2020.

s/ William B. King II  
William B. King II (094046)  
Assistant United States Attorney